

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In Re TERRORIST ATTACKS on)	03 MDL 1570 (RCC)
SEPTEMBER 11, 2001)	ECF Case
)	

This document relates to:

Estate of O'Neill, et al. v. Republic of Iraq, et al., 04-CV-1076 (RCC)

Declaration of Gina MacNeill, Esquire Relating to Taha Al Alwani

GINA M. MAC NEILL, on this 18th day of November, 2005, hereby declares pursuant to 28 United States Code Sec. 1746, and under penalties of perjury, that the foregoing is true and correct:

1. I am an attorney at law, licensed to practice law in the Commonwealth of Pennsylvania, the State of New Jersey, and admitted to practice in the United States District Court for the Southern District of New York.
2. I, along with Jerry S. Goldman, Esquire and others, am attorney of record in the instant matter.
3. On October 14, 2004, a letter was sent to Nancy Luque, Esquire, of Gray Carey, attorney of record for Taha Al Alwani a/k/a Dr. Taha Jabir Al Alwani ("Taha Al Alwani") in the multi-district litigation 03 MDL 1570 (RCC), requesting that defense counsel accept service on behalf of their client.
4. On October 25, 2004, a letter from Jay D. Hanson, Esquire, from Gray Cary, was received by our office in which Mr. Hanson declared that "[w]e are quite certain that the Taha Al Alwani you seek to serve in your case against Iraq is not our client, but rather an Iraqi living and associated with Iraqi governmental affairs,

quite possibly the Mayor of Fallujah, who has his name.” See Exhibit A.

5. On February 2, 2005, I sent out a service package to Mr. Taha Al Alwani, at 1105 Safa Street, Herndon, VA 20170, via Federal Express, tracking #8507 5919 9999, requesting a waiver of service of summons and which included:
 - a. One (1) Notice of Lawsuit and Request for Waiver of Service of Summons (“Notice”);
 - b. Two (2) copies of a Waiver of Service of Summons (“Waiver”);
 - c. Two (2) copies of the Original Complaint;
 - d. Two (2) Copies of the First Amended Complaint;
 - e. Two (2) Copies of the Second Amended Complaint; and
 - f. A Federal Express Return Envelope. See Exhibit B.
6. The package was received on February 7, 2005, according to Federal Express records. See Exhibit C.
7. We did not receive a response from Mr. Taha Al Alwani, or his counsel who was named as attorney of record in the multi-district litigation, 03 MDL 1570(RCC).
8. On July 29, 2005, at 9:25 a.m., personal service was effectuated upon Taha Al Alwani, by Mr. Scott Chapman. A copy of the affidavit of service is hereto attached as Exhibit D.



GINA M. MAC NEILL, ESQUIRE
2 Penn Center Plaza
1500 JFK Blvd, Ste. 1411
Philadelphia, PA 19102
215.569.4500

GRAYCARY

4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133
www.graycary.com
O: 858-638-6769
F: 858-677-1401

October 25, 2004

VIA U.S. MAIL AND FAX/SIMILE (212-346-4665)

OUR FILE NO. 2103638-6

Jerry S. Goldman, Esq.
Jerry S. Goldman & Associates, P.C.
111 Broadway, 13th Floor
New York, NY 10006

Re: In re: Terrorist Attacks on September 11, 2001
MDL No. 1570
O'Neill, et al. v. Republic of Iraq, et al.
04-cv-1076 (RCC)

Dear Mr. Goldman:

This is to follow up my telephone call and email to you today, in response to your letter to my partner Nancy Luque of October 14. We are quite certain that the Taha Al Alwani you seek to serve in your case against Iraq is not our client, but rather an Iraqi living in Iraq and associated with Iraqi governmental affairs, quite possibly the Mayor of Fallujah, who has this name. Please contact me to straighten out this mis-identification issue. My direct telephone is (858) 638-6769.

Very truly yours,

Gray Cary Ware & Freidenrich LLP



Jay D. Hanson
jhanson@graycary.com

Admitted to practice in California

JDH:gw

cc: Nancy Luque
Cris Beal

Gray Cary\SD\1615462.1
2103638-6

AUSTIN LA JOLLA SACRAMENTO SAN DIEGO SAN FRANCISCO SEATTLE SILICON VALLEY WASHINGTON D.C.

EXHIBIT

A

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LAW OFFICES OF
JERRY S. GOLDMAN & ASSOCIATES, P.C.

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111 BROADWAY • 13TH FLOOR
 NEW YORK, NY 10006
 TEL: 212.242.2232 • FAX: 212.346.4665

3109 STIRLING ROAD • SUITE 101
 FORT LAUDERDALE, FL 33312
 TEL: 954.981.6533 • FAX: 954.989.8068

Reply To: PHILADELPHIA

February 1, 2005

Via Federal Express

Taha al'Alwani a/k/a Dr. Taha Jaber al'Alwani
 1105 Safa Street
 Herndon, VA 20170-2326

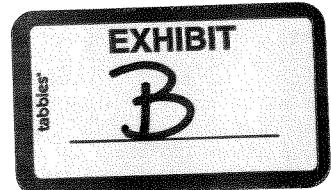
Re: *In re Terrorist Attacks of September 11, 2001*
03 MDL 1570 (RCC)
Estate of John P. O'Neill, et al. v. Republic of Iraq, et al.
04-CV-1076 (RCC)

Dear Mr. al'Alwani:

Enclosed please find the following documents relating to the above-referenced case:

1. One (1) Notice of Lawsuit and Request for Waiver of Service of Summons (“Notice”);
2. Two (2) copies of a Waiver of Service of Summons (“Waiver”);
3. Two (2) copies of the Original Complaint;
4. Two (2) Copies of the First Amended Complaint;
5. Two (2) Copies of the Second Amended Complaint; and
6. A Federal Express Return Envelope.

Please be sure to review all enclosed materials carefully, as they relate to a legal matter, as explained in the enclosed Notice and Waiver.



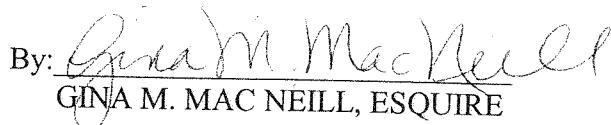
February 1, 2005

Page 2

If you have any questions or comments, please feel free to contact me.

Very truly yours,

LAW OFFICES OF JERRY S. GOLDMAN &
ASSOCIATES, P.C.

By: 
GINA M. MAC NEILL, ESQUIRE

GMM:jf

Enc. a/s

cc: Jerry S. Goldman, Esquire

FedEx® USAirbill	
Express	
From <small>Please print and press hard</small>	
Date 2/2/05	
Sender's Name Jerry S. Goldman, Esq. Phone (215) 567-4500	
Company GOLDMAN, JERRY S. LAW OFFICES	
Address 1500 JFK BLVD STE 1414	
City PHILADELPHIA State PA ZIP 19102-1747	
Phone ()	
Recipient's Name	
Company Dr. Taha Jaber Al'Alwani	
Recipients' Address 1105 Safa Street	
We cannot deliver to P.O. boxes or P.O. R.P. codes.	
Address Dep/From/Sum/Rm	
To request a package be held at a specific FedEx location, print FedEx address here.	
City Herndon	
State VA ZIP 20170-2326	
FedEx Tracking Number 8507 5919 9999	
Form ID No. 0215	
SPH32	
Sender's Name	
4a Express Package Service	
FedEx Priority Overnight <input type="checkbox"/> FedEx Standard Overnight <input checked="" type="checkbox"/> FedEx First Overnight <input type="checkbox"/> FedEx Express Saver <input type="checkbox"/> FedEx 30 Day Freight <input type="checkbox"/> FedEx 20 Day <input type="checkbox"/> FedEx 20 Day <small>Second business day*</small> <input type="checkbox"/> FedEx Express <small>Third business day*</small> <small>*To most locations.</small>	
Next business morning <input type="checkbox"/> Next business afternoon <input type="checkbox"/> Next business day <small>*FedEx Express rate not available. Minimum charge this amount if no delivery to selected locations.</small>	
4b Express Freight Service	
FedEx Day Freight <small>*Call for Confirmation.</small> <input type="checkbox"/> FedEx Day Freight <small>Not business day*</small> <input type="checkbox"/> FedEx 20 Day Freight <small>Second business day*</small> <input type="checkbox"/> FedEx 30 Day Freight <small>Third business day*</small> <small>*To most locations.</small>	
*Declared value limit \$300	
5 Packaging	
FedEx Envelope* <input type="checkbox"/> FedEx Pak* <input checked="" type="checkbox"/> FedEx Large Pak and FedEx Sturdy Pak <small>Includes FedEx Small Pak, FedEx Box, FedEx Tube, FedEx Other</small>	
*Dangerous goods including dry ice cannot be shipped in FedEx packaging.	
6 Special Handling	
Saturday Delivery <input type="checkbox"/> Available ONLY for FedEx Priority Overnight, FedEx First Overnight, FedEx 20 Day <small>Second business day*</small> <input type="checkbox"/> HOLD Saturday <small>Not available for FedEx First Overnight</small> <small>*To most locations.</small>	
FedEx Freight <small>Not available for FedEx Freight</small> <input type="checkbox"/> HOLD Weekday <small>Not available for FedEx Location</small> <input type="checkbox"/> HOLD Saturday <small>Not available for FedEx Location</small> <small>*To most locations.</small>	
Does this shipment contain dangerous goods? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <small>As per attach. <input type="checkbox"/> Yes <small>Shipper's Declaration</small> <input type="checkbox"/> No <small>Shipper's Declaration</small></small>	
Dangerous goods including dry ice cannot be shipped in FedEx packaging. <input type="checkbox"/> Dry Ice <small>UN1845</small> <input type="checkbox"/> Cargo Aircraft Only	
7 Payment Bill to: <input type="checkbox"/> Enter FedEx Acct. No. or Credit Card No. below. <input checked="" type="checkbox"/> Sender <small>Acct. No. in Section 1 will be filled.</small> <input type="checkbox"/> Recipient <input type="checkbox"/> Third Party <input type="checkbox"/> Credit Card <input type="checkbox"/> Cash/Check	
Fed. Acct. No. <input type="checkbox"/> Credit Card No. <input type="checkbox"/> Exp. Date	
Total Packages <input type="checkbox"/> Total Weight <input type="checkbox"/> Total Declared Value <input type="checkbox"/> <small>kg</small>	
\$.00 <input type="checkbox"/> FedEx Use Only	
8 Sign to Authorize Delivery Without a Signature	
By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any existing claims. <small>See back for details.</small>	

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Tracking number	850759199999	Reference	O'NEILL
Signed for by	Signature release on file	Delivered to	Residence
Ship date	Feb 2, 2005	Service type	Standard Pak
Delivery date	Feb 7, 2005 9:18 AM	Weight	5.0 lbs.

Status Delivered

You can also track:

- By TCN
- FedEx Trade Networks shipments
- By Email Track
- By FedEx Wireless Solutions

Date/Time	Activity	Location	Details	Wrong Address? Reduce future mistakes by using FedEx Address Checker.
Feb 7, 2005	9:18 AM Delivered		Left at front door. No signature required - release waiver on file	Shipping Freight? FedEx has LTL, air freight, surface air expedited freight, multi piece packages, and ocean freight.
	7:37 AM On FedEx vehicle for delivery	HERNDON, VA		
Feb 4, 2005	5:05 PM At local FedEx facility	HERNDON, VA		Customer not available or business closed
	12:07 PM Delivery exception	HERNDON, VA		
Feb 3, 2005	7:11 AM On FedEx vehicle for delivery	HERNDON, VA		Customer not available or business closed
	3:38 PM At local FedEx facility	HERNDON, VA		
Feb 2, 2005	10:39 AM Delivery exception	HERNDON, VA		Customer not available or business closed
	7:02 AM On FedEx vehicle for delivery	HERNDON, VA		
	6:50 AM At local FedEx facility	HERNDON, VA		
	5:17 AM At dest sort facility	DULLES, VA		
	12:32 AM Arrived at FedEx location	NEWARK, NJ		
	11:50 PM Package data transmitted to FedEx			Customer not available or business closed
	9:15 PM Left origin	PHILADELPHIA, PA		
	6:33 PM Picked up	PHILADELPHIA, PA		

Signature proof

Track more shipments

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.From

Add a message to this email.

To 

Estate of John P. O'Neill et al

Plaintiff(s)

Case Number: 04cv1076(RCC)

vs

The Republic of Iraq et al

Defendant(s)

AFFIDAVIT OF SERVICE

I, Scott Chapman, hereby certify that on July 29, 2005 at 9:26 AM, I executed service of process upon **TAHA AL ALWANI AKA DR. TAHA JABIT AL'ALWANI** at 1105 Safa Street, Herndon, VA 20170 by delivering to and leaving with personally, copies of Summons and Complaint.

Taha Al Alwani aka Dr. Taha Jabit Al'Alwani is described as a Middle Eastern Male, approximately 5' 7" tall, 200-225 pounds, Brown eyes, Grey, balding hair, and 54 years of age. The undersigned further certifies that my place of business is: 331 8th Street, NE, Washington, DC 20002; that I am 24 years of age, Date of Birth 3/11/1981; and that I am not a party to this action.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing information is true and correct. Executed on August 4, 2005.

Date August 4, 2005.

Scott Chapman

Scott Chapman

WASHINGTON, THE DISTRICT OF COLUMBIA
Subscribed and sworn to before me on August 4, 2005.

My Commission Expires:

Shandora Dobson

Shandora Dobson
Notary Public, District of Columbia
My Commission Expires 12-14-2008

Ref.# 63285

